

persist in maintaining he does not know the identity of these minors and stymie the discovery process in this case. Since that time, he has chosen to shred the non-sexually explicit images.³

ADMISSION N0. 1

All factual statements contained in Defendant Boland's diversion agreement, and any document attached thereto, are true and deemed admitted for the purposes of this civil action.

ADMISSION N0. 2

Defendant Boland created a visual depiction using a likeness (depicted in attached Exhibit "A") of Plaintiff Jane Doe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12 PM showing her to be engaging in fellatio.

ADMISSION N0.3

Defendant Boland created a visual depiction using the likeness (depicted in attached Exhibit "B") of Plaintiff Jane Roe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12PM showing her to be engaging in fellatio.

ADMISSION N0. 4

Defendant Boland created a visual depiction using the likeness of Plaintiff Jane Roe that Defendant Boland downloaded from Istockphoto.com on February 13, 2004 at 3:12PM showing her to be naked and between two males who are ejaculating on her torso.

ADMISSION N0. 5

Defendant Boland gave CD(s) containing exhibits which were made by Defendant Boland utilizing the image(s) or depiction(s) of Jane Doe and /or Jane Roe to defense counsel and/or court personnel.

ADMISSION N0. 6

Defendant Boland knew the "morphing" of images of real children into sexually explicit scenes was not constitutionally protected conduct at the time Defendant Boland created the images which lead to your pre-trial diversion agreement.

ADMISSION N0. 7

No one, other than Defendant Boland, was aware that Defendant Boland had utilized the likenesses of real children in the creation of images depicting fellatio and ejaculation.

³ See Exhibit "2"

Respectfully submitted,

/s/ Jonathan E. Rosenbaum

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Proof of Service

A true and accurate copy of the foregoing has been electronically by email and by ordinary mail served this 29th day of April, 2008 upon the following:

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/s/ Jonathan E. Rosenbaum

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Supreme Court Reg. No. 0021698

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